From: Trevin Beattie
To: Microsoft ATR
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Subject: Microsoft Settlement

While most of the text under section III, "Prohibited Conduct", looks good; I believe there are problems with some of the definitions listed in section VI. To wit:

A: "Application Programming Interfaces (APIs)" is defined too narrowly by restricting it to those APIs used by Microsoft Middleware. The general definition of API is "the interface (calling conventions) by which an application program accesses operating system and other services." In the context of the PFJ, the definition should apply to interfaces used by Microsoft and non-Microsoft middleware and applications.

D: "Covered OEMs" does not cover all OEMs.

J: The definition of "major version" is easily misconstrued; for example, a version number of 7.0.0 would not be considered a major version under the given definition. The major version number is the part of the number to the left of any decimal point. Therefore, a major version must be identified by a whole number or by the part of the number to the left of any decimal point.

The version numbering of a product should not be used to determine whether that product constitutes Middleware.

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